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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 JOHN E. PIMENTEL, *et al.*,

11 Plaintiff,

12 v.

13 COUNTRYWIDE HOME LOANS, INC.,
14 *et al.*,

15 Defendants.
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Case No. 2:10-CV-02125-KJD-LRL

ORDER

17 Before the Court is Plaintiffs' Notice of Bankruptcy (#16). In this Notice, Plaintiffs ask the
18 Court to treat the Notice as a response to Defendant Bank of America's Motion to Dismiss (#15) and
19 to delay ruling on that Motion.

20 The automatic stay provision in 11 U.S.C. § 362 is inapplicable to suits commenced by the
21 bankrupt party. See In re White, 186 B.R. 700, 704 (9th Cir. 1995). Plaintiffs initiated this suit
22 against Defendants asserting causes of action for wrongful foreclosure and breach of fiduciary duties.
23 Plaintiffs' bankruptcy does not prevent Defendants from defending against these claims. Plaintiffs
24 are ordered to file a response to Defendant Bank of America's Motion to Dismiss by Friday, July
25 29, 2011. Failure to file a response will be viewed by the Court as consent to the granting of
26 Defendant Bank of America's Motion to Dismiss pursuant to Local Rule 7-2(d).

1 Accordingly, **IT IS HEREBY ORDERED THAT** Plaintiffs' request for a stay pursuant to
2 11 U.S.C. § 362 (#16) is **DENIED**.

3 DATED this 25th day of July 2011.
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7 **Kent J. Dawson**
8 **United States District Judge**
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